

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARY LA BARBERA, THOMAS GESUALDI,	*	
LAWRENCE KUDLA, LOUIS BISIGNANO,	*	
ANTHONY PIROZZI, FRANK FINKEL,	*	
JOSEPH FERRARA, SR., LYNN MOUREY,	*	
MARC HERBST AND THOMAS PIALI	*	
as Trustees and Fiduciaries of the Local 282	*	
Pension Trust Fund,	*	07-CV-5763 (JSR)
	*	
Plaintiffs	*	
	*	
-against-	*	ANSWER TO
	*	SECOND
	*	AMENDED
	*	COMPLAINT,
	*	CROSS CLAIM
	*	AND
	*	AFFIRMATIVE
	*	DEFENSES
JUDA CONSTRUCTION, LTD., FULLERTON	*	
LAND DEVELOPMENT, LTD a/k/a FULLERTON	*	
AVENUE LAND DEVELOPMENT, LTD., CTJ	*	
CONSTRUCTION LTD., TORRETTA TRUCKING INC.,	*	
CHATHAM CONS., LTD., FINESSE CONSTRUCTION	*	
LLC, INOVATIVE DISPOSAL SYSTEMS LLC,	*	
PURE EARTH INC., PURE EARTH TRANSPORATION	*	
AND DISPOSAL SYSTMES, INC. a/k/a AMERCIAN	*	
TRANSPORTATION AND DISPOSAL SYSTEMS LTD,	*	
PURE EARTH MATERIALS, INC. a/k/a/ SOUTH	*	
JERSEY DEVELOPMENT, INC., THOMAS ATTONITO,	*	
NICHOLAS PANICIA and CHRISTOPHER UZZI	*	
	*	
Defendants	*	
	*	

Defendants, Finesse Construction LLC and Innovative Disposal Systems LLC (collectively “Defendants”), for their Answer to the Second Amended Complaint (hereafter the Amended Complaint), of Plaintiffs, Gary La Barbara, Thomas Gesualdi, Lawrence Kudla, Louis Bisignano, Anthony Pirozzi, Frank H. Finkel, Joseph A. Ferrara Sr., Lynn Mourley, Marc Herbst and Thomas Piali, as Trustees and Fiduciaries of the

Local 282 Pension Trust Fund, say:

JURISDICTION

1. With respect to the allegations contained in Paragraph 1 of the Amended Complaint, admit that Plaintiffs purport to invoke this Court's jurisdiction over certain claims on certain United States statutes, and deny that there exists any basis in law or fact for any such claims.

2. With respect to the allegations contained in Paragraph 2 of the Amended Complaint, admit that Plaintiffs purport to invoke this Court's jurisdiction over certain claims on certain United States statutes, and deny that there exists any basis in law or fact for any such claims

3. With respect to the allegations contained in Paragraph 3 of the Amended Complaint, admit that Plaintiffs purport to invoke this Court's jurisdiction over certain claims on certain United States statutes, and deny that there exists any basis in law or fact for any such claims.

VENUE

4. Deny the allegations contained in Paragraph 4 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 4 contains allegations of fact, Defendants lack sufficient information to admit or deny the allegations of paragraph 4.

PARTIES

5. Admit the allegations contained in Paragraph 5.

6. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 6.

7. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 7.

8. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 8.

9. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 9.

10. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 10.

11. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 11.

12. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 12.

13. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 13.

14. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 14.

15. Admit that Finesse Construction LLC is a company that is owned by Vanessa Rodriguez, maintains a principal place of business at 745 Ten Eyck Ave., Lyndhurst, NJ 07071, employs at least one driver covered by a contract with Local 282 and performs work in New York. Deny that at all times material hereto, Finesse has been engaged in the business of demolition work.

16. Defendants deny the allegations contained in Paragraph 16.

17. Defendants admit that Innovative is owned by Vanessa and Jani Rodriguez, that it maintains a principal place of business at 745 Ten Eyck Road, Lyndhurst, NJ 07071, employs at least one driver covered by a contract with Local 282 and performs work in New York. While defendant further admits that since December 2006 it has been engaged in the business of hauling materials from construction sites, it is unable to admit that it has done so at all times material hereto.

18. Defendants admit the allegations contained in paragraph 18.

19. Defendants deny the allegations contained in Paragraph 19.

20. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 20.

21. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 21.

22. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 22.

23. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 23.

24. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 24

25. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 25.

26. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 26.

27. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 27.

28. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 28.

29. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 29.

30. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 30.

31. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 31.

32. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 32.

33. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 33.

34. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 34.

35. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 35.

PRIOR JUDGMENT AGAINST WHITNEY TRUCKING

36. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 36.

37. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 37.

38. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 38.

39. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 39.

40. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 40.

41. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 41.

42. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 42.

43. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 43.

44. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 44.

45. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 45.

46. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 46.

47. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 47.

48. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 48.

49. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 49.

50. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 50.

51. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 51.

52. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 52.

53. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 53.

54. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 54.

COLLECTIVE BARGAINING AGREEMENTS WITH LOCAL 282

55. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 55.

56. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 56.

57. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 57.

58. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 58.

59. Admit the allegation in Paragraph 59 that Innovative has signed a collective bargaining agreement with Local 282 on or about December 12, 2006. Deny the allegation that Innovative has been a signatory to a “series of collective bargaining agreements”.

60. Admit the allegation in Paragraph 60 that Finesse has signed a collective bargaining agreement with Local 282 on or about December 12, 2006. Deny the allegation that Finesse has been a signatory to a “series of collective bargaining agreements”.

61. Admit the allegation in paragraph 61 that Innovative and Finesse were subject to and bound by the Trust Agreement, which is incorporated by reference into the collective bargaining agreements. Defendants lack sufficient knowledge or information to admit or deny the other allegations contained in paragraph 61.

62. Deny the allegations contained in Paragraph 62 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 60 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

BACKGROUND

63. Deny the allegations contained in Paragraph 63 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 63, contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

64. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 64.

65. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 65.

66. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 66.

67. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 67.

68. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 68.

69. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 69.

70. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 70.

71. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 71.

72. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 72.

73. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 73.

74. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 74.

75. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 75.

76. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 76.

77. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 77.

78. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 78.

79. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 79.

80. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 80.

81. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 81.

82. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 82.

83. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 83.

84. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 84.

85. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 85.

86. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 86.

87. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 87.

88. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 88.

89. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 89.

90. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 90.

91. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 91.

92. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 92.

93. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 93.

94. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 94.

95. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 95.

96. Admit that Rodriguez signed a Memorandum of Agreement dated December 12, 2006 with Local 282.

97. Admit that Innovative and Finesse operate out of the same location, 745 Ten Eyck Ave., Lyndhurst, NJ 07071.

98. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 98.

99. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 99.

100. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 100.

JUDA

101. Deny the allegations contained in Paragraph 101 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 101, contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

102. Deny the allegations contained in Paragraph 102 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 102, contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

103. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 103.

104. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 104.

105. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 105.

106. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 106.

107. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 107.

108. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 108.

109. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 109.

110. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 110.

111. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 111.

112. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 112.

113. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 113.

114. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 114.

115. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 115.

116. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 116.

117. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 117.

118. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 118.

119. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 119.

120. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 120.

121. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 121.

CHATHAM

122. Deny the allegations contained in Paragraph 122 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 122 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

123. Deny the allegations contained in Paragraph 123 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 123 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

124. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 124.

125. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 125.

126. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 126.

127. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 127.

128. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 128.

129. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 129.

130. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 130.

131. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 131.

132. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 132.

133. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 133.

134. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 134.

135. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 135.

136. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 136.

137. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 137.

138. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 138.

139. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 139.

140. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 140.

141. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 141.

TORRETTA

142. Deny the allegations contained in Paragraph 142 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 142 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

143. Deny the allegations contained in Paragraph 143 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 143 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

144. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 144.

145. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 145.

146. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 146.

147. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 147.

148. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 148.

149. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 149.

150. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 150.

151. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 151.

152. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 152.

153. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 153.

154. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 154.

155. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 155.

156. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 156.

157. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 157.

158. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 158.

FULLERTON LAND

159. Deny the allegations contained in Paragraph 159 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 159 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

160. Deny the allegations contained in Paragraph 160 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 160 contains allegations of fact, Defendants lack sufficient knowledge or information to admit

or deny same.

161. Deny the allegations contained in Paragraph 161 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 161 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

162. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 162.

163. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 163.

164. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 164.

165. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 165.

166. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 166.

167. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 167.

168. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 168.

169. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 169.

170. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 170.

171. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 171.

172. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 172.

173. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 173.

174. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 174.

CTJ

175. Deny the allegations contained in Paragraph 150 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 175 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

176. Deny the allegations contained in Paragraph 176 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 176 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

177. Deny the allegations contained in Paragraph 177 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 177 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

178. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 178.

179 Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 179.

180. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 180.

181. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 181.

182. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 182.

183. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 183.

184. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 184.

185. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 185.

186. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 186.

187. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 187.

188. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 188.

189. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 189.

190. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 190.

191. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 191.

192. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 192.

193. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 193.

194. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 194.

195. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 195.

196. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 196.

197. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 197.

THE PURE EARTH COMPANIES

198. Deny the allegations contained in Paragraph 198 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 198 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

199. Deny the allegations contained in Paragraph 199 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 199 contains allegations of fact, Defendants lack sufficient knowledge or information to admit

or deny same.

200. Deny the allegations contained in Paragraph 200 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 200 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

201. Deny the allegations contained in Paragraph 201 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 201 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

202. Deny the allegations contained in Paragraph 202 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 202 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

203. Deny the allegations contained in Paragraph 203 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 203 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

204. Deny the allegations contained in Paragraphs 204 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 204 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

205. Deny the allegations contained in Paragraph 205 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 205

contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

206. Deny the allegations contained in Paragraph 206 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 206 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

207 Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 207.

208. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 208.

209. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 209.

210. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 210.

211. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 211.

212. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 212.

213. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 213.

214. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 214.

215. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 215.

216. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 216.

217. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 217.

218. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 218.

219. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 219.

220. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 220.

FINESSE AND INNOVATIVE

221. Deny the allegations contained in Paragraph 221 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 221 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

222. Deny the allegations contained in Paragraph 222 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 222 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

223. Deny the allegations contained in Paragraph 223 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 223 contains allegations of fact, Defendants lack sufficient knowledge or information to admit

or deny same.

224. Admit the allegations in paragraph 224 that on December 12, 2007 Jani Rodriguez signed a Memorandum of Agreement with Local 282 on behalf of Innovative and Finesse, that Innovative and Finesse are located at the same address, 745 Ten Eyck Ave., Lyndhurst, NJ 07071 and that Jani Rodriguez and Vanessa Rodriguez are married. Deny all other allegations contained in this paragraph.

225. Defendants deny the allegations contained in paragraph 225.

226. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 226.

227. Defendants deny the allegations contained in paragraph 227.

228. Defendants deny the allegations contained in paragraph 228.

229. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 229.

230. Defendants deny the allegations contained in paragraph 230

231. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 231.

232. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 232.

233. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 233

234. Defendants deny the allegations contained in paragraph 234.

235. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 235

236. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 236.

THE INDIVIDUALS

237. Deny the allegations contained in Paragraph 237 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 237 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

238. Deny the allegations contained in Paragraph 238 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 238 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

239. Deny the allegations contained in Paragraph 239 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 239 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

WHITNEY TUCKING AND THE INDIVIDUALS

240. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 240.

241. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 241.

242. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 242.

243. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 243.

244. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 244.

245. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 245.

246. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 246.

247. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 247.

248. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 248.

249. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 249.

250. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 250.

251. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 251.

252. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 252.

253. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 253.

CTJ AND THOMAS ATTONITO

254. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 254.

255. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 255.

256. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 256.

257. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 257.

258. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 258.

259. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 259.

260. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 260.

261. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 261.

262. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 262.

263. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 263.

264. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 264.

265. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 265.

266. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 266.

267. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 267.

268. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 268.

FULLERTON LAND AND THE INDIVIDUALS

269. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 269.

270. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 270.

271. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 271.

272. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 272.

273. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 273.

274. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 274.

275. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 275.

276. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 276.

FIRST CAUSE OF ACTION

277. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 276 of the Amended Complaint as if set forth herein in full.

278. Deny the allegations contained in Paragraph 278 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 278 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

279. Deny the allegations contained in Paragraph 279 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 279 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

SECOND CAUSE OF ACTION

280. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 279 of the Amended Complaint as if set forth herein in full.

281. Deny the allegations contained in Paragraph 281 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 281 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

282. Deny the allegations contained in Paragraph 282 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 282 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

THIRD CAUSE OF ACTION

283. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 282 of the Amended Complaint as if set forth herein in full.

284. Deny the allegations contained in Paragraph 284 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 284 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

285. Deny the allegations contained in Paragraph 285 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 285 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

286. Deny the allegations contained in Paragraph 286 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 286 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

FOURTH CAUSE OF ACTION

287. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 286 of the Amended Complaint as if set forth herein in full.

288. Deny the allegations contained in Paragraph 288 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 288 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

289. Deny the allegations contained in Paragraph 289 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 289

contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

FIFTH CAUSE OF ACTION

290. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 289 of the Amended Complaint as if set forth herein in full

291. Deny the allegations contained in Paragraph 291 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 291 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

292. Deny the allegations contained in Paragraph 292 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 292 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

SIXTH CAUSE OF ACTION

293. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 292 of the Amended Complaint as if set forth herein in full

294. Deny the allegations contained in Paragraph 294 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 294 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

295. Deny the allegations contained in Paragraph 295 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 295 contains allegations of fact, Defendants lack sufficient knowledge or information to admit

or deny same

SEVENTH CAUSE OF ACTION

296. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 295 of the Amended Complaint as if set forth herein in full.

297. Deny the allegations contained in Paragraph 297 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 297 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

298. Deny the allegations contained in Paragraph 298 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 298 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

EIGHTH CAUSE OF ACTION

299. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 298 of the Amended Complaint as if set forth herein in full.

300. Deny the allegations contained in Paragraph 300 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 300 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

301, Deny the allegations contained in Paragraph 301 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 301 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

NINTH CAUSE OF ACTION

302. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 301 of the Amended Complaint as if set forth herein in full

303. Deny the allegations contained in Paragraph 303 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 303 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

304. Deny the allegations contained in Paragraph 304 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 304 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

TENTH CAUSE OF ACTION

305. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 304 of the Amended Complaint as if set forth herein in full

306. Deny the allegations contained in Paragraph 306 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 306 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

307. Deny the allegations contained in Paragraph 307 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 307 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

308. Deny the allegations contained in Paragraph 308 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraph 308 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

ELEVENTH CAUSE OF ACTION

309. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 308 of the Amended Complaint as if set forth herein in full
310. Deny the allegations contained in Paragraph 310 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 310 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

311. Deny the allegations contained in Paragraph 311 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 311 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

TWELFTH CAUSE OF ACTION

312. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 311 of the Amended Complaint as if set forth herein in full
313. Deny the allegations contained in Paragraph 313 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 313 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

314. Deny the allegations contained in Paragraph 314 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 314

contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

THIRTEENTH CAUSE OF ACTION

315. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 314 of the Amended Complaint as if set forth herein in full.

316. Deny the allegations contained in Paragraph 316 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 316 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

317. Deny the allegations contained in Paragraph 317 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 317 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

FOURTEENTH CAUSE OF ACTION

318. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 317 of the Amended Complaint as if set forth herein in full.

319. Deny the allegations contained in Paragraph 319 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 319 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

320. Deny the allegations contained in Paragraph 320 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 320 contains allegations of fact, Defendants lack sufficient knowledge or information to admit

or deny same

FIFTEENTH CAUSE OF ACTION

321. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 320 of the Amended Complaint as if set forth herein in full.

322. Deny the allegations contained in Paragraph 322 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 322 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

323. Deny the allegations contained in Paragraph 323 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 323 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

SIXTEENTH CAUSE OF ACTION

324. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 323 of the Amended Complaint as if set forth herein in full.

325. Deny the allegations contained in Paragraph 325 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 325 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

326. Deny the allegations contained in Paragraph 326 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 326 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

327. Deny the allegations contained in Paragraph 327 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 327 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

SEVENTEENTH CAUSE OF ACTION

328. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 327 of the Amended Complaint as if set forth herein in full.

329. Deny the allegations contained in Paragraph 329 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 329 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

330. Deny the allegations contained in Paragraph 330 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 330 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

EIGHTEENTH CAUSE OF ACTION

331. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 330 of the Amended Complaint as if set forth herein in full.

332. Deny the allegations contained in Paragraph 332 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 332 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

333. Deny the allegations contained in Paragraph 333 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraph 333 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

NINETEENTH CAUSE OF ACTION

334. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 333 of the Amended Complaint as if set forth herein in full.

335. Deny the allegations contained in Paragraph 335 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 335 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

336. Deny the allegations contained in Paragraph 336 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 336 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

337. Deny the allegations contained in Paragraph 337 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 337 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

TWENTIETH CAUSE OF ACTION

338. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 338 of the Amended Complaint as if set forth herein in full.

339. Deny the allegations contained in Paragraph 339 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 339

contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

340. Deny the allegations contained in Paragraph 340 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 340 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

TWENTY FIRST CAUSE OF ACTION

341. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 340 of the Amended Complaint as if set forth herein in full.

342. Deny the allegations contained in Paragraph 342 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 342 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

343. Deny the allegations contained in Paragraph 343 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 343 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

TWENTY SECOND CAUSE OF ACTION

344. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 343 of the Amended Complaint as if set forth herein in full.

345. Deny the allegations contained in Paragraph 345 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 345 contains allegations of fact, Defendants lack sufficient knowledge or information to admit

or deny same

346. Deny the allegations contained in Paragraph 346 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 346 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

347. Deny the allegations contained in Paragraph 347 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 347 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

TWENTY THIRD CAUSE OF ACTION

348. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 347 of the Amended Complaint as if set forth herein in full.

349. Deny the allegations contained in Paragraph 349 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 349 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

350. Deny the allegations contained in Paragraph 350 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 350 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

TWENTY FOURTH CAUSE OF ACTION

351. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 350 of the Amended Complaint as if set forth herein in full.

352. Deny the allegations contained in Paragraph 352 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 352 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

353. Deny the allegations contained in Paragraph 353 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 353 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

TWENTY FIFTH CAUSE OF ACTION

354. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 353 of the Amended Complaint as if set forth herein in full.

355. Deny the allegations contained in Paragraph 355 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 355 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

356. Deny the allegations contained in Paragraph 356 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 356 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

357. Deny the allegations contained in Paragraph 357 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 357 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

.TWENTY SIXTH CAUSE OF ACTION

358. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 357 of the Amended Complaint as if set forth herein in full.

359. Deny the allegations contained in Paragraph 359 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 359 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

360. Deny the allegations contained in Paragraph 360 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 360 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

TWENTY SEVENTH CAUSE OF ACTION

361. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 360 of the Amended Complaint as if set forth herein in full.

362. Deny the allegations contained in Paragraph 362 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 362 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

363. Deny the allegations contained in Paragraph 363 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 363 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

TWENTY EIGHTH CAUSE OF ACTION

364. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 363 of the Amended Complaint as if set forth herein in full.

365. Deny the allegations contained in Paragraph 365 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 365 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

366. Deny the allegations contained in Paragraph 366 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 366 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

367. Deny the allegations contained in Paragraph 367 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 367 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

TWENTY NINTH CAUSE OF ACTION

368. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 367 of the Amended Complaint as if set forth herein in full.

369. Deny the allegations contained in Paragraph 369 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 369 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

370. Deny the allegations contained in Paragraph 370 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 370

contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

THIRTIETH CAUSE OF ACTION

371. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 370 of the Amended Complaint as if set forth herein in full.

372. Deny the allegations contained in Paragraph 372 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 372 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

373. Deny the allegations contained in Paragraph 373 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 373 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

THIRTY FIRST CAUSE OF ACTION

374. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 373 of the Amended Complaint as if set forth herein in full.

375. Deny the allegations contained in Paragraph 375 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 375 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

376. Deny the allegations contained in Paragraph 376 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 376 contains allegations of fact, Defendants lack sufficient knowledge or information to admit

or deny same.

THIRTY SECOND CAUSE OF ACTION

377. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 376 of the Amended Complaint as if set forth herein in full.

378. Deny the allegations contained in Paragraph 378 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 378 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

379. Deny the allegations contained in Paragraph 379 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 379 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

THIRTY THIRD CAUSE OF ACTION

380. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 379 of the Amended Complaint as if set forth herein in full.

381. Deny the allegations contained in Paragraph 381 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 381 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

382. Deny the allegations contained in Paragraph 382 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 382 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

THIRTY FOURTH CAUSE OF ACTION

383. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 382 of the Amended Complaint as if set forth herein in full.

384. Deny the allegations contained in Paragraph 384 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 384 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

385. Deny the allegations contained in Paragraph 385 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 385 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

THIRTY FIFTH CAUSE OF ACTION

386. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 385 of the Amended Complaint as if set forth herein in full.

387. Deny the allegations contained in Paragraph 387 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 387 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

388, Deny the allegations contained in Paragraph 388 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 388 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

FIRST AFFIRMATIVE DEFENSE

The Amended Complaint fails to state a claim on which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Amended Complaint fails to state a claim on which an award of attorneys' fees can be granted.

THIRD AFFIRMATIVE DEFENSE

The Amended Complaint is barred by the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

The Amended Complaint is barred by the doctrine of waiver.

FIFTH AFFIRMATIVE DEFENSE

The Amended Complaint is barred by the doctrine of estoppel.

SIXTH AFFIRMATIVE DEFENSE

The Amended Complaint is barred by the doctrine of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

The Amended Complaint is barred by the doctrine of unjust enrichment.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.

NINTH AFFIRMATIVE DEFENSE

The Amended Complaint is barred by Plaintiffs' failure to exhaust administrative remedies prior to filing suit.

TENTH AFFIRMATIVE DEFENSE

The allegations contained in the Amended Complaint do not establish that Defendants constitute a single employer, joint employer and/or alter ego company with Finesse Construction LLC or Innovative Disposal Systems LLC..

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because all of Defendants' actions toward or concerning Plaintiffs were justified, were privileged, were taken in good faith and for legitimate purposes, and were not in violation of any obligation owed to Plaintiffs.

TWELFTH AFFIRMATIVE DEFENSE

Defendants reserve the right to assert additional defenses based upon facts learned during discovery.

THIRTEENTH AFFIRMATIVE DEFENSE AND FIRST CROSS CLAIM

Should the trier of fact determine that Defendants Innovative and Finesse are liable, Defendants Innovative and Finesse are entitled to recover the full amount from the co-defendants.

WHEREFORE, Defendants request judgment against Plaintiffs with respect to the claims asserted in the Amended Complaint, dismissing the Amended Complaint in the above action, together with costs and disbursements and any other relief this Court may deem just and proper.

Dated: September 17, 2007
Ardsley, NY

Leonard Herman Esq.

By: 
Leonard Herman (LH-3174)
75 Euclid Ave.
Ardsley, NY 10502
(914) 674-4936

Attorney for Defendants
Finesse Construction LLC and
Innovative Disposal Systems
LLC